

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 11, 2006
SAN FRANCISCO, CALIFORNIA**

S134776

FINNEY (STANLEY) ON H.C.
Petition ordered withdrawn

Pursuant to written request of petitioner the
above-entitled petition for writ of habeas corpus
is ordered withdrawn.

S138747

A111119 First Appellate District,
Division Three

PEOPLE v. S.C. (FERGUSON)
Time extended to grant or deny review

to February 7, 2006.

S138900

B186877 Second Appellate District,
Division Eight

COUNTRYMAN (RANDALL) ON H.C.
Time extended to grant or deny review

to February 14, 2006.

S138995

B186456 Fourth Appellate District,
Division Three

WHITESPEAR (EDWIN) ON H.C.
Time extended to grant or deny review

to February 17, 2006.

S139013

B181356 Second Appellate District,
Division Three

HOFFMAN v. GAGLIO
Time extended to grant or deny review

to February 17, 2006

S027094

PEOPLE v. ELLIOT (MARCHAND)
Extension of time granted

to March 6, 2006 to file appellant's opening
brief. After that date, no further extension is
contemplated. Counsel is ordered to inform his
or her assisting attorney or entity, if any, of this
schedule, and to take all steps necessary to meet
it.

S129852B166937 Second Appellate District,
Division Six

PEOPLE v. GILES

Extension of time granted

to February 3, 2006 to file Appellant's Reply
Brief on the Merits.

S131322

LEWIS (RAYMOND) ON H.C.

Extension of time granted

to February 6, 2006 to file the informal reply.
After that date, no further extension will be
granted. Extension is granted based upon
counsel Kevin G. Little's representation that he
anticipates filing that document by February
2006.

S133378D043396 Fourth Appellate District,
Division One

CACHO v. BOUDREAU

Extension of time granted

For appellants Luis J. Cacho, et al., to file the
reply brief on the merits and answer to amicus
curiae briefs of AARP and National Consumer
Law Center and California Mobile Home
Resource and Action Association to
January 17, 2006.

S133850

C047483 Third Appellate District

PILIMAI v. FARMERS INSURANCE EXCHANGE

Extension of time granted

Consumer Attorneys of California to file
application for permission to file amicus curiae
brief to January 12, 2006.

S134525

ANDERSON (JAMES PHILLIP) ON H.C.

Extension of time granted

to February 10, 2006 to file the informal
response. After that date, only four further
extensions totaling about 120 additional days
will be granted. Extension is granted based upon
counsel Deputy Attorney General Anthony
DaSilva's representation that he anticipates filing
that document by June 12, 2006.

S137137

B173851 Second Appellate District,
Division Eight

PEOPLE v. LEON

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to February 14, 2006.

S049596

PEOPLE v. BRYANT, SMITH & WHEELER

Order filed

Respondent's "Application and Declaration in Support of Application for Leave to File Respondent's Brief in Excess of 95,200 Words" is granted.

S049596

PEOPLE v. BRYANT, SMITH & WHEELER

Order filed

The order filed on January 4, 2006, is amended to read as follows:
Defendant Donald Smith's September 19, 2002, "Motion to vacate premature certification of the record and briefing schedule and for order directing augmentation of the record, or, in the alternative, reversing appellant's judgment of conviction and sentence," joined by defendants Stanley Bryant and Leroy Wheeler, is granted in part as follows:

On or before January 31, 2006, the clerk is directed to provide counsel for defendant Smith with a copy of the January 24, 1995 RT 6327-6331 and February 1, 1995 RT 6932-1 to 6392-14, and the reporter's certification for each transcript. It is ordered that only counsel for defendant and counsel for respondent, and their respective investigators, may use the copy of the reporter's transcript. Use of such materials is limited to this appeal and to any petition for writ of habeas corpus challenging the lawfulness of confinement pursuant to the underlying judgment of death. To the extent the parties quote or describe such materials in court papers, those papers must themselves be filed or lodged under seal. The clerk is further directed to keep these materials under seal.

Counsel for defendants Bryant and Wheeler will already receive copies of the January 24, 1995 RT 6327-6331 and February 1, 1995 RT 6932-1 to 6392-14, and the reporter's certification for each transcript, pursuant to our order regarding defendant Stanley Bryant's September 13, 2002, "Motion to vacate certification, or, in the alternative, to correct, augment and settle the record."

In all other respects, the motion is denied.

S138584

AGHA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MAXWELL CHUCK AGHA, State Bar No. 153625**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 15, 2005. Costs are awarded to the State Bar pursuant to Business & Professions Code § 6086.10 and payable in equal installments for membership years 2006, 2007, 2008 and 2009.

S138591

LAPICA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **LARRY SHERBAN LAPICA, State Bar No. 86303**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order

approving stipulation filed on September 13, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

S138592

LOFFARELLI ON DISCIPLINE

Recommended discipline imposed

It is ordered that **THOMAS C. LOFFARELLI, State Bar No. 159724**, be suspended from the practice of law for five years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 1, 2005. The period of probation is to run consecutively from the end of respondent's prior discipline imposed in S118965 (02-O-10705). Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

S140143

CASEY ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN CHITTENDEN CASEY, State Bar No. 63949**, as a member of the State Bar of California is accepted.

S140146

GOTHER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **RONALD EDGAR GOTHER, State Bar No. 30921**, as a member of the State Bar of California is accepted.

S140155

GOULD ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JACK A. GOULD, State Bar No. 130072**, as a member of the State Bar of California is accepted.

S140157

HERNANDEZ ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MATTHEW MIGUEL HERNANDEZ, State Bar No. 147302**, as a member of the State Bar of California is accepted.

S140159

HERSH ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DAVID HERSH, State Bar No. 79068**, as a member of the State Bar of California is accepted.

S140160

HUBBELL ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JONATHAN HUBBELL, State Bar No. 84145**, as a member of the State Bar of California is accepted.

S140161

HYLINSKI ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **BELINDA LAIRD HYLINSKI, State Bar No. 88523**, as a member of the State Bar of California is accepted.

S140164

KAMI ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MARK CY KAMI, State Bar No. 116816**, as a member of the State Bar of California is accepted.

S140166

KAPLAN ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MARGARET ELLEN KAPLAN, State Bar No. 76948**, as a member of the State Bar of California is accepted.

S140168

KEARNEY ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DOUGLAS CHARLES KEARNEY, State Bar No. 69612**, as a member of the State Bar of California is accepted.

S140174

KIM ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **PAULINE TONG CHOO KIM, State Bar No. 136098**, as a member of the State Bar of California is accepted.

S140175

KNUTH ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MARGOT ODETTE KNUTH, State Bar No. 96758**, as a member of the State Bar of California is accepted.

S140176

MCCUMBER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MARILYN P. MCCUMBER, State Bar No. 90660**, as a member of the State Bar of California is accepted.

S140177

MCKEAG ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN KEITH MCKEAG, State Bar No. 39263**, as a member of the State Bar of California is accepted.

S140178

MEWEH ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **THORN CHELE NDAIZEE MEWEH, State Bar No. 188583**, as a member of the State Bar of California is accepted.

S140180

MITCHELL ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DALLAS CARL MITCHELL, State Bar No. 33554**, as a member of the State Bar of California is accepted.

S140183

MUELLER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ROBERTA LYNN MUELLER, State Bar No. 122515**, as a member of the State Bar of California is accepted.

S140185

MURATA ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **MICHAEL M. MURATA, State Bar No. 150906**, as a member of the State Bar of California is accepted.

S140186

PEDERSEN ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **HARVEY LEE PEDERSEN, State Bar No. 38156**, as a member of the State Bar of California is accepted.

S140187

PETERSON ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN CARL PETERSON, State Bar No. 42344**, as a member of the State Bar of California is accepted.

S140188

PETERSON ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ROBERT EDWARD PETERSON, State Bar No. 111962**, as a member of the State Bar of California is accepted.

S140190

RIDENOUR ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DAVID EDWARD RIDENOUR, State Bar No. 48544**, as a member of the State Bar of California is accepted.

S140192

RUBIN ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **STEPHEN RUSSELL RUBIN, State Bar No. 196525**, as a member of the State Bar of California is accepted.

S140193

SCHILLER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **RICHARD CHARLES SCHILLER, State Bar No. 38220**, as a member of the State Bar of California is accepted.

S140194

TEWKSBURY ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **WILLIAM JOHN TEWKSBURY, State Bar No. 46050**, as a member of the State Bar of California is accepted.

S140196

THEISEN ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **CONSTANCE THEISEN, State Bar No. 189081**, as a member of the State Bar of California is accepted.

S140197

THOMAS ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DEBORAH L. THOMAS, State Bar No. 82631**, as a member of the State Bar of California is accepted.

S140199

VORWITH ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ROBERT CARL VORWITH, State Bar No. 73034**, as a member of the State Bar of California is accepted.

S140200

WILSON ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DONN HERSCHEL WILSON, State Bar No. 84162**, as a member of the State Bar of California is accepted.

S140201

WYNE ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **CHRISTOPHER MYRRLE WYNE, State Bar No. 53033**, as a member of the State Bar of California is accepted.

B179040

PEOPLE v. SANCHEZ
Time extended to grant or deny review

to February 27, 2006.

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE OF CALIFORNIA FOR ADMISSION OF
ATTORNEYS

The written motion of the Committee of Bar
Examiners that the following named applicants,
who have fulfilled the requirements for
admission to practice law in the State of
California, be admitted to practice of law in this
state is hereby granted, with permission to the
applicants to take the oath before a competent
officer at another time and place:

(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)